

American Littoral Society, Barnstable Land Trust, Clean Ocean Action,  
Defenders of Wildlife, Friends of the Sea Otter, Gloucester Fishermen's  
Wives Association, Humane Society of the United States,  
Institute for Fisheries Resources,  
International Fund for Animal Welfare, International Wildlife Coalition,  
Massachusetts Fishermen's Partnership,  
National Marine Wildlife and Habitat Committee/Sierra Club,  
Oceans Public Trust Initiative/Earth Island Institute,  
Pacific Coast Federation of Fishermen's Associations,  
Pacific Marine Conservation Council, Pegasus Foundation,  
Provincetown Center for Coastal Studies,  
Save Our Sound/Alliance to Protect Nantucket Sound,  
Save Popponesset Bay, Three Bays Preservation, Whale and Dolphin  
Conservation Society

November 9, 2005

The Honorable Gale Norton  
Secretary  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Norton:

We are writing regarding the Department of the Interior's new management of the use of the Outer Continental Shelf (OCS) for renewable energy, as authorized in the Energy Policy Act of 2005. We support the development of renewable energy, and we believe that a properly developed program is essential for the development of such projects and to ensure adequate protection of the marine environment.

We have several recommendations for the Department of the Interior's renewable energy program:

- 1) The program should be based upon the findings and recommendations of the National Academy of Sciences (NAS) study as required by section 1833 of the Energy Policy Act.
- 2) Regulations should set standards for renewable energy projects;

- 3) The Department should undertake a comprehensive and programmatic review of OCS resources to establish a land use authorization framework;
- 4) Funds from the competitive bidding process should be used for energy conservation, ocean governance, coastal resource protection, and the mitigation of adverse impacts.

As we will describe in greater detail below, any projects currently under consideration by the Corps should be subject to the standards and review of your Department.

### **National Academy of Sciences Study**

The starting point for a comprehensive offshore wind energy program, as well as the review of major proposed projects, should be the study required to be prepared by the NAS under section 1833 of the Energy Policy Act of 2005. When a major new form of energy is to be developed, the logical starting point is NAS study such as is required under section 1833. This is especially important when public trust lands and waters will be affected and a new and untested technology with unknown effects is involved. The same principle of waiting for this study to be completed and a program to be established should apply to large-scale projects now under consideration or proposed in the interim. We therefore request that the Department refrain from developing this new program until the critically important NAS review is completed. Should the study find that the development of offshore wind is clearly in the public's interest, then, and only then, should the Department initiate the establishment of a program.

### **Standard-Setting Regulations**

The Department of the Interior should follow the approach used to establish other successful energy programs on federal lands and should promulgate regulations to guide decision-making. This is clearly within Interior's mandate in Section 388 of the new energy bill, which authorizes the Department to establish regulations covering a wide variety of factors, including safety, protection of the environment, conservation of natural resources, coordination with relevant agencies, and fair return to the United States.

To ensure consistency, regulations should both establish standards that applicants must meet and consider all the factors necessary to authorize such projects. Similar regulations exist for virtually every other energy development program involving public lands, including the Outer Continental Shelf Lands Act, 43 U.S.C. § 1331 *et seq.*, Deepwater Port Act of 1974, 33 U.S.C. § 1501 *et seq.*, and the Federal Land Policy and Management Act, 43 U.S.C. § 1701 *et seq.*

## **Comprehensive Review of Resources**

Once the Department develops regulations, it should undertake a comprehensive and programmatic review of OCS resources that would establish a land use authorization framework to protect the marine environment and aid in subsequent decisions. The Bureau of Land Management recently completed a similar review for onshore wind energy projects on its lands.

The Department should complete a broad review of resources, including power potential, habitat use by marine life, and presence of historical, recreational, and cultural sites, to identify areas that have high potential for development as well as those that should be considered off-limits to development based upon environmental concerns, resource management conflicts, or other public interest issues. This program should be undertaken in close consultation with affected states, local governments, and Indian tribes, as well as through public notice and comment.

## **Competitive Bidding Process**

Upon the completion of a programmatic review, the Department could proceed with a competitive bidding process to ensure a fair return to the United States for any areas that are authorized for such use. These funds should be reinvested in programs related to energy conservation, ocean governance, coastal resource protection and the mitigation of adverse impacts that may result from the development of such projects.

## **Review of Individual Projects**

These initial steps would establish a sound basis upon which the review of individual projects could occur. Clearly, it is putting the cart ahead of the horse, as well as running the risk of establishing negative precedent, to proceed with the *ad hoc* review of individual projects before these more comprehensive planning processes are complete. While the Energy Policy Act of 2005 exempts two proposed projects from the competitive bidding process, the completion of a programmatic review is necessary before reviewing either project request to determine whether the proposed locations are appropriate for development and to ensure that the other elements of the Federal offshore wind energy program are in place to evaluate those proposals and protect the public interest.

## **Conclusion**

We appreciate the opportunity to share these recommendations with you, and we hope that they will help ensure the success of the Department's offshore renewable energy program. Cutting procedural corners and processing project applications before the program is developed would create unnecessary conflict which will burden the overall program just when it is needed most in future years.

Thank you for considering these comments. Our organizations look forward to working with the Department of the Interior in the development of this important program.

Very truly yours,

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